

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAR 28 2016

JULIA C. DUDLEY, CLERK  
BY: *W.H.P.*  
DEPUTY CLERK

METAPHYZIC EL-ECTROMAGNETI  
SUPREME-EL,  
Petitioner,

Civil Action No. 7:16-cv-00060

v.

MEMORANDUM OPINION

UNITED STATES, et al.,  
Respondents.

By: Hon. Jackson L. Kiser  
Senior United States District Judge

Metaphyzic El-ectromagneti Supreme-El, a Virginia inmate proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the judgment entered by the Circuit Court for the City of Norfolk. Court records indicate that Petitioner previously filed a petition under 28 U.S.C. § 2254 about the same judgment in Supreme-El v. Director, No. 3:14cv52, 2015 U.S. Dist. LEXIS 25603, 2015 WL 1138246 (E.D. Va. Mar. 3, 2015), appeal dismissed, 610 F. App'x 279 (4th Cir. 2015). Thus, the petition is appropriately construed as a successive habeas petition pursuant to 28 U.S.C. § 2254 and § 2244(b). See, e.g., Waddell v. Dep't of Corr., 680 F.3d 384, 386 n.1 (4th Cir. 2012); Gregory v. Coleman, 218 F. App'x 266, 267 n.\* (4th Cir. 2007). Pursuant to 28 U.S.C. § 2244(b), a federal district court may consider a second or successive § 2254 petition only upon specific certification from a United States Court of Appeals that claims in the subsequent petition meet certain criteria. Because Petitioner has not submitted any evidence that he has obtained such certification from the Court of Appeals for the Fourth Circuit, I must dismiss the petition without prejudice as successive. Based upon the finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 28<sup>th</sup> day of March, 2016.

*Jackson L. Kiser*  
Senior United States District Judge